

Update: Criminal Procedure Monograph 2—Issuance of Search Warrants (Revised Edition)

Part A — Commentary

2.14 Other Exceptions Applicable to Search Warrants

E. Exigent Circumstances Doctrine

Insert the following case summary on page 28 before the beginning of subsection (F):

A local ordinance permitting peace officers to require persons under the age of 21 to submit to a preliminary breath test analysis constitutes an unreasonable search not justified by any warrant exception. *Spencer v City of Bay City*, ___ F Supp ___, ___ (ED Mich 2003). “Exigent circumstances” cannot be used to justify a warrantless search when the subject of the search is suspected only of committing a minor offense, and the primary purpose of conducting the search is to gather incriminating evidence against the individual. *Spencer, supra* at ___.